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December 5, 2023

**VIA ECF**

Honorable Analisa Torres  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *James Rhodes v. City of New York, et al.*, 22-CV-07884

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendants City of New York, Police Officer Gamze S. Alpsy, and Sergeant Maribel Burgos. I write to respectfully request that the Court, *sua sponte*, grant an enlargement of time, *nunc pro tunc*, from November 29, 2023 to December 29, 2023 for Defendant Kevin Choi to respond to the Amended Complaint. Plaintiff's counsel, Alexis Padilla, consents to the instant request.

As to the procedural history, the parties are currently engaged in discovery and discovery was recently extended to January 19, 2023. *ECF no. 47*. According to the docket sheet and the November 28, 2023 filing, it appears that, on November 8, 2023, purported defendant Kevin Choi was served with the summons and complaint in this case. As such, assuming that defendant Choi was properly served, his response to the complaint was due on November 29, 2023. Given the delay in such notice, the undersigned has not yet had an opportunity to resolve representation with Officer Choi pursuant to General Municipal Law 50-k. As such, it is respectfully requested that the Court *sua sponte* grant Officer Choi additional time to respond to the complaint, until December 29, 2023, so that his defenses are not jeopardized while representation issues are being resolved.

Accordingly, it is respectfully requested that the Court *sua sponte* grant an enlargement of time until December 29, 2023 for Defendant Kevin Choi to respond to the Amended Complaint.

Thank you for your consideration of the instant application.

Respectfully submitted,

*Thomas Lai s/*

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: **VIA ECF**  
Alexis Padilla  
*Attorney for Plaintiff*

GRANTED.

SO ORDERED.

Dated: December 6, 2023  
New York, New York



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ANALISA TORRES  
United States District Judge